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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,205

01/23/2004

Atul Mukker

03-2586

8069

84571

7590

06/23/2009

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EXAMINER

SAEED, USMAAN

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,205	<b>Applicant(s)</b> MUKKER, ATUL	
	<b>Examiner</b> USMAAN SAEED	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/06/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-8, 12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPG Pub, 2003/0149752, Baldwin et al. (Baldwin hereinafter) in view of USP, 5,778,387, David M. Bristol. (Bristol hereinafter).

With respect to claim 1,

Baldwin teaches method in a data-processing system for recovering data (see Paragraph 0342, Baldwin), said data processing system having a central

Art Unit: 2166

processing unit coupled to an operating system, memory coupled to said central processing unit, and a command line interface to said operating system in which a user responds to a visual prompt by typing in a command on a specified line and receives a response back from the system, (see Abstract, Baldwin) the method comprising:

utilizing said command line interface to interact with said operating system (see Paragraph 0118, Baldwin);

identifying desired data from said command line interface displayable within a display area of a data-processing system (see Abstract, Paragraphs 0075, 0100, Baldwin);

Baldwin teaches the elements of claim 1 as noted above but does not explicitly teach “automatically saving said desired data in said memory of said data- processing system, in response to identifying said desired data from said command line interface” “testing to determine if said desired data has been deleted from said command line of said command line interface,” “automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said command line of said command line interface” and “automatically displaying said deleted data within said command line interface, in response to automatically recovering said desired data from said memory.”

However, Bristor teaches automatically saving said desired data in said memory of said data-processing system, in response to identifying said desired data from said command line interface (see col. 6, lines 16-18 and 25-28, Bristor); and

testing to determine if said desired data has been deleted from said command line of said command line interface and automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said command line of said command line interface (see col. 2, lines 61-67, col. 3, lines 1-19 and col. 8, lines 44-50, Bristor);

automatically displaying said deleted data within said command line interface, in response to automatically recovering said desired data from said memory (see col. 2, lines 61-67, col. 3, lines 1-7 and Figure 1C, Bristor)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

With respect to claim 7,

Baldwin does not explicitly teaches "the permitting a user to specify a plurality of rules for recycling said data; recycling said data, in response to user input."

However, Bristor teaches the steps of: permitting a user to specify a plurality of rules for recycling said data; recycling said data, in response to user input (see col. 6, lines 16-18 and 25-28, Bristor).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

With respect to claim 8,

Baldwin does not explicitly teach the limitations of claim 8, however, Bristow teaches the step of prompting said user to specify said plurality of rules for recycling said data through a display of a graphical user interface dialog (see col. 6, lines 16-18 and 25-28, Bristor).

specifying the minimum size of said data to be recycled and/or specifying special files/empty directories not to be recycled as (see col. 1, lines 58-67, Bristor).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to

Art Unit: 2166

recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

Claims 12 and 16-17 have the same subject matter as of claims 1 and 7-8, and are rejected for the same reasons as applied hereinabove.

3. Claims 2-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPG Pub, 2003/0149752, Baldwin et al. in view of USP, 5,778,387, David M. Bristor. as applied to claims 1, 7-8, 12, and 16-17, further in view of (NPL "Using the TSM client command line interface for backup and restore" 2002), Ian Smith (Smith hereinafter).

With respect to claim 2,

Baldwin and Bristor do not explicitly teach displaying an original file of said desired data within said command line interface, displaying an original file location of said desired data within said command line interface, indicating within said command line interface deletion of said desired data in response to said desired data being deleted using said command line interface.

However, Smith teaches displaying an original file of said desired data within said command line interface, displaying an original file location of said desired data within said command line interface, indicating within said command line interface deletion of

Art Unit: 2166

said desired data in response to said desired data being deleted using said command line interface (see, 6.4 restoring old and/or deleted files, Smith).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Smith's teaching would have allowed Baldwin and Bristor to provide a recovery system which prevents overwriting current versions of files with older versions.

With respect to claim 3, Baldwin and Bristor do not explicitly teach displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data.

However, Smith discloses displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data as (see, 6.4 restoring old and/or deleted files, Smith).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Smith's teaching would have allowed Baldwin and Bristor to provide a recovery system which prevents overwriting current versions of files with older versions.

With respect to claim 4-6,



Baldwin teaches wherein said operating system comprises a Linux based operating system, Unix-based operating system, and windows based operating system as (see Abstract, and Paragraph 0168 Baldwin).

Claims 13-15 have the same subject matter as of claims 2-6 and are rejected for the same reasons as applied hereinabove.

### ***Response to Arguments***

4. Applicant's arguments filed on 04/06/2009 have been considered but are moot in view of the new ground(s) of rejection.

In these arguments applicant relies on the amended claims and not the original ones.

Claims must be given the broadest reasonable interpretation during examination and limitations appearing in the specification but not recited in the claim are not read into the claim (See M.P.E.P. 2111 [R-I]).

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USMAAN SAEED whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

Art Unit: 2166

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usmaan Saeed/  
Examiner, Art Unit 2166  
June 19, 2009

Usmaan Saeed  
Patent Examiner  
Art Unit: 2166

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166